

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2703 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

CONCILIATION OFFICER

Appearance:

MR HARDIK C RAWAL for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the petitioner, I am satisfied that the ground given for rejection of the application of the petitioner filed under section 33(2)(b) of the Industrial Disputes Act, 1947, is wholly perverse.

2. It is not in dispute that the respondent No.2 was

paid his pay, House Allowance and Dearness Allowance, but was not paid Washing Allowance. None payment of the same cannot be a ground to reject the application of the petitioner. The Washing Allowance is only payable where the workman works and not otherwise. Here, notice pay has been given to the respondent - workman and during this period the respondent - workman was not required to work and as such was not entitled for Washing Allowance.

3. In the result, this Special Civil Application succeeds and the same allowed and the order dated 22.11.1985 is quashed and set aside. The matter is remanded back to the authority concerned to pass the order afresh in accordance with law. Rule is made absolute in the terms aforesaid. No order as to costs.

(S.K.Keshote,J.)

(pathan)